



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during December 2008
DISTRIBUTED: January 7, 2009

This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or Peter.J.Carney@Maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>. If you are receiving this report via regular mail, but would prefer to receive an electronic version, please send an email to the above address with your contact information.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Land:

Fine Line, Inc., Lincoln, Maine. Fine Line, Inc. ("Fine Line") violated provisions of Maine's *Natural Resources Protection Act* by filling a freshwater wetland, and Maine's *Storm Water Management* law by disturbing one acre or more of land, without first obtaining permits from the Department. Specifically, Fine Line filled approximately 12,000 square feet of freshwater wetland with gravel and disturbed approximately 2.1 acres of land during the construction of a parking area. To resolve the violations, Fine Line agreed to revegetate and remove the fill from the wetland and revegetate the disturbed area so less than one acre of impervious surface remains, and paid \$5,400 as a civil monetary penalty.

Ocean View Terrace, LLC, Stockton Springs, Maine. Ocean View Terrace, LLC ("Ocean View") violated provisions of Maine's *Storm Water Management* law by starting construction of a project that includes one acre or more of disturbed area without first obtaining a permit from the Department, Maine's *Natural Resources Protection Act* by replacing a culvert in a stream without using erosion controls to prevent sediment from entering the water, Maine's *Water Pollution Control* law by discharging soil to waters of the State without first obtaining a permit from the Department, and Maine's *Erosion and Sedimentation Control* law by filling, displacing, or exposing soil without first taking measures to prevent unreasonable erosion or sediment beyond the project site or into a protected natural resource. Specifically, Ocean View began construction of a subdivision by removing vegetation and exposing soils on approximately ten acres and constructing roads and driveways measuring approximately one acre in area. During construction of the entrance road, Ocean View replaced a culvert in a stream without erosion controls in place, allowing fill to wash into the stream. Furthermore, no erosion controls were observed on the remainder of the site with the exception of approximately one acre of hay mulch. Following Department involvement, Ocean View installed erosion control blankets in some ditches and spread hay mulch on approximately one third of the exposed soils. To resolve the violations, Ocean View agreed to: immediately implement erosion controls to prevent further erosion; submit an after-the-fact permit application and, if the application is approved, comply with the terms of the permit or, if the permit is denied, returned, or withdrawn, submit a restoration plan to the Department to restore the project site such that it includes less than one acre of new impervious area; attend a Department Nonpoint Source Workshop focusing on erosion and sedimentation control; and paid \$6,500 as a civil monetary penalty.

Jason St. Jean and Erin St. Jean, Shapleigh, Maine. Jason St. Jean and Erin St. Jean (the "St. Jeans") violated provisions of Maine's *Natural Resources Protection Act* by filling adjacent to a great pond without first obtaining a permit from the Department. Specifically, the St. Jeans placed, or caused to be placed, twelve yards of sand within seventy-five feet of Square Pond. Following Department involvement, the St. Jeans removed the sand to the Department's satisfaction. To resolve the violation, the St. Jean's paid \$1,227 as a civil monetary penalty.



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Milton Teguis, Kennebunk, Maine. Milton Teguis ("Teguis") violated provisions of Maine's *Natural Resources Protection Act* by constructing, or causing to be constructed, permanent structures in and adjacent to a river and in a freshwater wetland without first obtaining permits from the Department. Specifically, Teguis constructed two wooden access ways, one leading to the Mousam River and the other to a newly constructed wooden deck. The access ways and deck were located in a freshwater wetland. In addition, Teguis constructed, or caused to be constructed, a permanent pier and associated ramp and float in and over the Mousam River. Following Department involvement, Teguis removed the deck and associated access way. To resolve the violations, Teguis agreed to: submit an after-the-fact *Natural Resources Protection Act* permit application for the remaining access way, pier, ramp, and float, and, if the application is approved, comply with the terms of the permit or, if the permit is denied, remove all unapproved portions of the access way, pier, ramp, and float to the Department's satisfaction; restore vegetation in the freshwater wetland; and paid \$1,359 as a civil monetary penalty.

Oil:

JPD Acquisitions, LLC and Nelson D. Henry, Bridgton, Maine. JPD Acquisitions, LLC ("JPD Acquisitions") and Nelson D. Henry ("Henry") violated provisions of Maine's *Oil Discharge Prevention and Pollution Control* laws by suffering or causing the discharge of oil and failing to immediately undertake to remove the discharge. Specifically, an above ground oil storage tank at the subject location had been damaged and discharged oil to soil and to the basement of a multi-family rental property at the site. Oil and oily water in the basement was discharged via sump pump onto Main Street and into a storm drain adjacent to Main Street in Bridgton. The Department undertook and completed clean up of the spill, incurring investigation and clean-up expenses in the amount of \$6,084.11. Henry subsequently reimbursed the Department \$813.95. To resolve the violations, JPD and Henry agreed to reimburse the balance of the Department's outstanding investigation and clean-up costs totaling \$5,270.16 and paid \$10,000 as a civil monetary penalty.

Water:

Christmas Cove Limited Partnership, South Bristol, Maine. Christmas Cove Limited Partnership ("CCLP") violated provisions of Maine's *Water Pollution Control* laws, the Department's rules for *Overboard Discharges: Licensing and Abandonment*, and the conditions of its Department-issued Waste Discharge License by failing to provide disinfection prior to discharging effluent from an overboard discharge wastewater treatment system associated with a seasonal residence. Specifically, CCLP did not maintain chlorine tablets in the treatment system. In addition, CCLP allowed its license to lapse in violation of Maine's *Water Pollution Control* laws. To resolve the violations, CCLP agreed to conduct regular inspections of the treatment system to ensure that it is in good working order and that chlorine tablets are installed in the system, maintain inspection and maintenance records for a period of at least three years, file a complete application for renewal of the Waste Discharge License, and paid \$450 as a civil monetary penalty.

Veazie Sewer District, Veazie, Maine. The Veazie Sewer District (VSD) violated provisions of Maine's *Water Pollution Control* laws and the facility's Department-issued Maine Pollutant Discharge Elimination System Permit/Maine Waste Discharge License. Pursuant to VSD's license it is prohibited from discharging wastewater from any point source other than the outfall point identified in the license and must at all times properly operate and maintain all facilities and controls. VSD staff discovered evidence of an unlicensed overflow of untreated wastewater from a manhole at a pump station. Untreated wastewater discharged to the ground and flowed to the



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adjacent Penobscot River. The overflow is estimated to be approximately 58,500 gallons. The high water alarm at the pump station was found to be nonfunctional. Following Department involvement, VSD repaired the high water level alarm at the pump station, added a contact at the pump station which sends a signal when an overflow occurs, and instituted a monthly alarm testing program. To resolve the violations, VSD paid \$500 as a civil monetary penalty.

Westbrook School Department, Westbrook, Maine. The Westbrook School Department (WSD) violated provisions of Maine's *Water Pollution Control* laws by discharging pollutants to an unnamed stream. Specifically, during a renovation at the Congin School, several sanitary fixtures were mistakenly connected to the storm drain system which was discovered after what is suspected to be plaster and paint were observed in the stream. A dye test confirmed that a mop sink and toilet were connected to the stormwater drainage system. Following Department involvement, WSD conducted further dye tests and corrected the plumbing at the Congin School. In addition, the swimming pool at the adjacent Wescott Junior High School was being drained into the stormwater system that discharges to the same unnamed stream. Department staff sampled the stream and found that chlorine levels exceeded concentration standards set forth in the Department's rules for *Surface Water Quality Criteria for Toxic Pollutants*. To resolve the violations, WSD agreed to cease the unlicensed discharge of pollutants to waters of the State and paid \$4,400 as a civil monetary penalty.

Probate Court Proceeding (parties followed by location):

Cost Recovery:

Maine Department of Environmental Protection v. Estate of Anna D. King, Bradford, Maine. The Department filed claims against the Estate of Anna D. King for oil cleanup costs of approximately \$115,000. The cleanup costs related to expenditures incurred by the Department to remediate gasoline-contaminated soils at a property under the ownership of the estate on Main Street in Bradford. The estate claimed it did not have the finances to clean up the contamination. The Attorney General's Office, on behalf of the Department, filed a petition to resolve the disputed claim and petition for allowance in the Penobscot County Probate Court. In order to settle the claims, the Department and the personal representative for the estate entered into a consent decree whereby the remaining property held by the estate will be sold, and the net proceeds of the sale (after certain expenses including legal fees) will be paid to satisfy the Department's claims.